

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

THE DEMOCRATIC PARTY OF THE  
VIRGIN ISLANDS, EDGAR PHILLIPS,  
GLEN J. SMITH, LUIS MORALES, and  
KEVIN RODRIQUEZ,

Plaintiffs,

v.

THE ST. THOMAS-ST. JOHN BOARD  
OF ELECTIONS, THE JOINT BOARD  
OF ELECTIONS, SENATOR MYRON D.  
JACKSON IN HIS CAPACITY AS  
PRESIDENT OF THE 32<sup>ND</sup>  
LEGISLATURE, THE 32<sup>ND</sup>  
LEGISLATURE OF THE VIRGIN  
ISLANDS, THE GOVERNMENT OF THE  
U.S. VIRGIN ISLANDS

Defendants.

ST-17-CV-44

**ACTION FOR DECLARATORY  
JUDGMENT & INJUNCTIVE  
RELIEF**

**MOTION TO RECONSIDER ORDER GRANTING MOTION TO CONTINUE  
EVIDENTIARY HEARING TO JULY 14, 2017**

**COMES NOW**, Defendants Senator Myron D. Jackson and the 32<sup>nd</sup> Legislature of the Virgin Islands (collectively “the Legislature”), by and through their undersigned counsel, Kye Walker, Esq., and requests this Honorable Court reconsider its order granting Plaintiff, Kevin A. Rodriguez’s motion for continuance and rescheduling the consolidated hearing for July 14, 2017. The Legislature cites the following in support of this motion:

1. The undersigned has represented the Legislature in all litigation involving Kevin A. Rodriguez and the vacant seat in the 32<sup>nd</sup> Legislature.



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2. The undersigned has long standing plans to travel to Cuba from Florida on July 13, 2017 and return to the Territory on July 18, 2017. She was initially scheduled to travel from St. Thomas to Florida in the early afternoon July 12, 2017. The plans were made well in advance due to the restrictions involved in traveling to Cuba.
3. The undersigned is also scheduled to travel to Cincinnati, Ohio from July 20-22, 2017 to attend a Law and Technology workshop.
4. During a pre-hearing conference held before Magistrate Judge Ruth Miller on Friday, July 7, 2017, the undersigned informed the Court and all parties in attendance, including Kevin A. Rodriguez, that she was scheduled to travel on Wednesday, July 12 at 2:00pm on a previously scheduled vacation and would not return until July 18, 2017.
5. The undersigned further explained that she managed to find a later flight to accommodate the hearing in this matter, which was scheduled for July 12, at 2:30pm. The undersigned has already incurred costs associated with changing her travel arrangement to accommodate the hearing scheduled for July 12.
6. On July 11, 2017, Plaintiff Rodriguez moved to continue the hearing in this matter to Friday, July 14 although he knew counsel for the Legislature was scheduled to be out of the country on that day. He did not include the information concerning the undersigned's travel in his Motion to Continue, but rather misrepresented to the Court that Defendants would suffer no prejudice

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if the hearing is continued to July 14, 2017.

7. The Legislature would certainly be prejudiced if it were unrepresented at the July 14, 2017 hearing.
8. In addition, Plaintiff Rodriguez did not provide advance notice to the undersigned of his intent to file a motion for continuance such that the undersigned was blind-sided by the motion when it was filed.
9. The Court granted the Motion to Continue before the undersigned had the opportunity to respond and object to the motion to continue.
10. As a result, the Legislature moves for reconsideration of the order granting the continuance and requests that the hearing move forward on July 12, 2017 as previously scheduled or that it be rescheduled for July 19, 2017 when the undersigned returns to the Territory or sometime after July 23, 2017.
11. A continuance of the hearing should not prejudice Plaintiffs as they have already moved to continue the hearing to a date and time after the Legislature is scheduled to review the credentials of the victor of the Special Election, Janelle K. Sarauw, and potentially administer the oath to her, such that there is no apparent urgency.

**WHEREFORE**, and for the foregoing reasons, Defendants Senator Myron D. Jackson and the 32<sup>nd</sup> Legislature Of The Virgin Islands, respectfully requests that this Motion to Reconsider the continuance of the consolidated hearing to Friday, July 14, 2017 be **GRANTED**.

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Respectfully Submitted,

THE WALKER LEGAL GROUP

*Attorney for Defendants Senator Myron D. Jackson  
and The 32nd Legislature Of The Virgin Islands,*

DATED: July 11, 2017

BY: s/ Kye Walker

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**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that on July 11, 2017, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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**The Joint Board of Elections**

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BY: s/ Kye Walker